

3100 Dyer St.

City of El Paso — Plan Commission — 10/04/2018

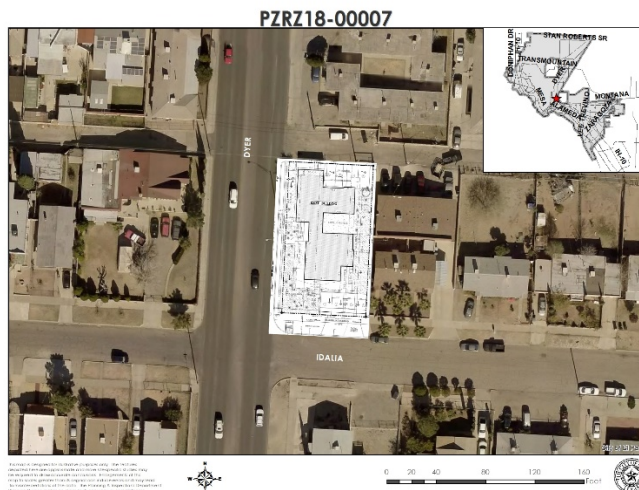
PZRZ18-00007 Rezoning



STAFF CONTACT:	Anne Guayante, (915) 212-1814, guayanteam@elpasotexas.gov
OWNER:	Luis Varela and Saul Varela
REPRESENTATIVE:	Luis Varela and Saul Varela
LOCATION:	3100 Dyer Street, District 2
LEGAL DESCRIPTION:	Lots 15, 16, and the west 17 feet of Lot 14, Block 109, Grandview, 3100 Dyer St, City of El Paso, El Paso County, Texas
EXISTING ZONING:	C-1/sc (Commercial/special contract)
REQUEST:	To rezone from C-1/sc to S-D/sc (Special Development/special contract for a quadruplex and to approve a detailed site development plan with a reduction in the required rear and side street yards
RELATED APPLICATIONS:	N/A
PUBLIC INPUT	No public comment received; Notices sent to property owners within 300 feet on September 20, 2018
STAFF RECOMMENDATION:	Approval (see pages 2—4 for basis for recommendation)

SUMMARY OF REQUEST: The applicants request to rezone the subject property from C-1/sc (Commercial/special contract) to S-D/sc (Special Development/special contract) to allow for the existing structure to be converted to a quadruplex. They further request modifications to the minimum rear and street side yard setbacks, and to approve a rezoning to the Special Development District for an area of less than one acre.

SUMMARY OF RECOMMENDATION: The Planning Division recommends **APPROVAL** of rezoning the property from C-1/sc (Commercial/special contract) to S-D/sc (Special Development/special contract), **APPROVAL** of accepting the detailed site development plan demonstrating encroachments into the required rear and side street yards, and **APPROVAL** of a waiver to allow for a Special Development District less than one acre in area. The proposed zoning district is consistent with other low-to medium density residential and commercial districts and single-family, multi-family, and commercial uses in the immediate area, and meets the established character of its surrounding neighborhood. Further, the proposed development meets the intent of the G2, Traditional Neighborhood land use designation of Plan El Paso, in the Central Planning Area.



DESCRIPTION OF REQUEST

The property owner is requesting a rezoning from C-1/sc (Commercial/special contract) to S-D/sc (Special Development/special contract) to accommodate a proposed apartment development utilizing the existing structure. That building was most recently used as a single family home. However, it has been vacant since December of 2016 when it was partially destroyed by a fire. There is an existing Building and Standards Commission Order, No. ENHS16-003872, that requires this property to obtain building permits within six months of approval or denial of their rezoning request. The Special Development District is the only district that will allow for the existing building to remain in its current configuration, and thus the only way the applicants can obtain building permits for the existing building without demolishing portions of it. A quadruplex is a permitted use in the Special Development District.

The Detailed Site Development Plan shows the existing building, which would be modified internally to accommodate four dwelling units, with no exterior alterations or enlargements proposed. A street side yard encroachment is shown along Dyer Street, with 2'6" of the existing building extending into the required ten (10) foot street side yard, for a total of 89.19 feet of the existing building encroaching. An existing rear yard encroachment of 4'3" is shown as well, with 87 square feet of the existing building shown within that setback.

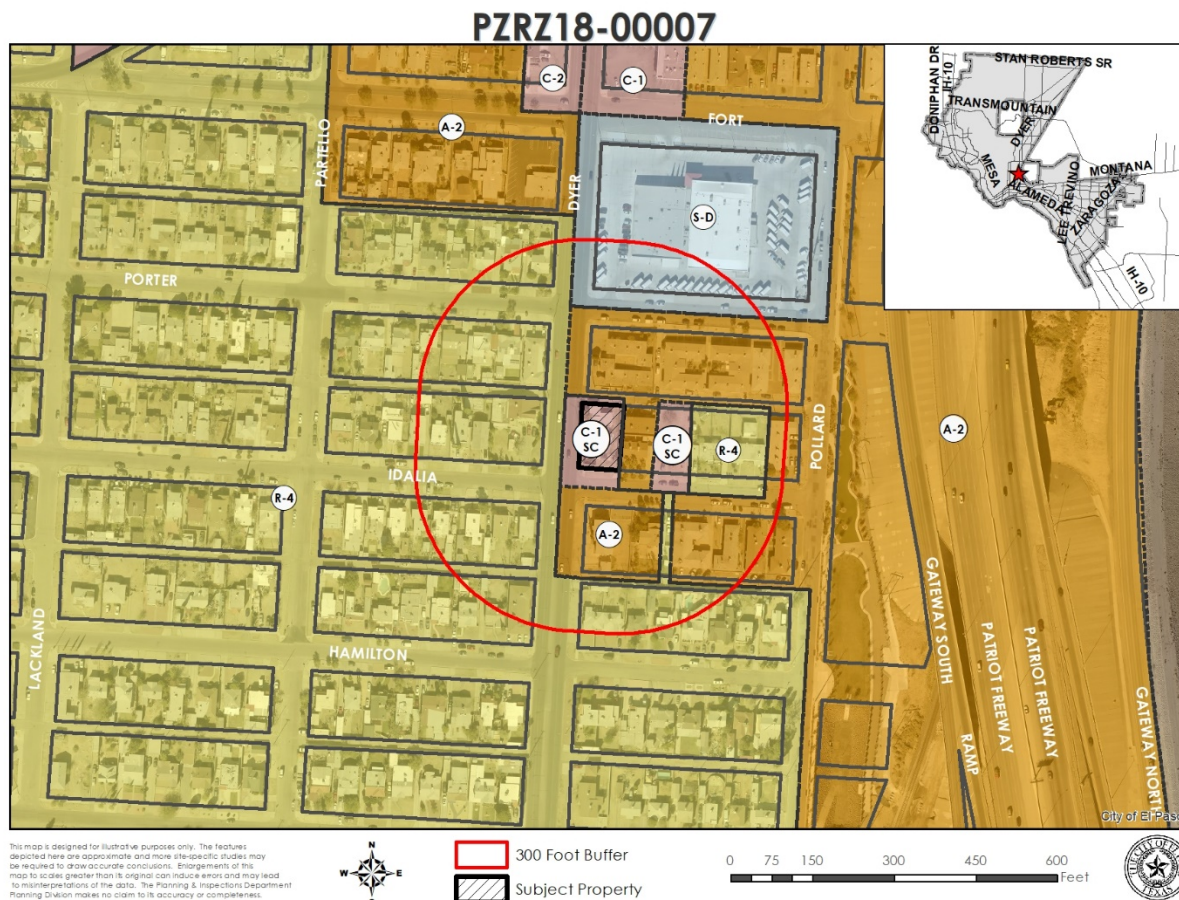
The proposed development meets all applicable code provisions other than those for which waivers are sought. The development requires a minimum of eight (8) parking spaces, and eight are provided. Access to the subject property is proposed from a twenty (20) foot rear alley, and also from an existing driveway on Idalia Street, which is proposed to be expanded from ten (10) feet in width to twenty-eight (28) feet.

When the subject property was rezoned to the C-1 (Commercial) District, a special contract was imposed on the subject property that limited the use to only include a child care facility, and stated that if it was used for any other use, it shall be rezoned to the A-O (Apartment-Office) District. This contract was partially released in 2006 via resolution. The condition limiting the use to a child care facility was released, and instead, the uses of the subject property were limited to exclude the following: banks or other similar financial institutions; copy shops; dry cleaning shops, laundromats and laundries; restaurants or ice cream parlors; and automotive uses. The proposed quadruplex use does not violate this condition.

REZONING POLICY

POLICY	DOES IT COMPLY?
Compatibility Proposed zone change matches existing land use map or matches existing land use designation within 300 ft. of the subject property.	Yes, properties adjacent to the subject property are zoned A-2 (Apartment, C-1/sc (Commercial/special contract), and R-4 (Residential). Within 300 feet is a property zoned S-D/sc (Special Development/special contract).
Plan El Paso Are preferred locations for higher density development and redevelopment. (i.e. Property is designated G-1, G-2, or G-7)	Yes, the property is designated G2, Traditional Neighborhood and meets the intent by proposing an increase in density over the existing zoning.

NEIGHBORHOOD CHARACTER AND COMPATIBILITY: The property located at the corner of Dyer and Idalia Streets. It is part of the Grandview subdivision, which was platted in 1906. The existing improvements, to include the rear yard and side street yard setback encroachments, are consistent with improvements visible in the surrounding neighborhood. The proposed apartment use is consistent with other properties in the neighborhood as well. The Special Development District is more restrictive than the current C-1/sc (Commercial/special contract) Zoning District, and offers additional protection to the neighborhood as it requires most or all uses to submit a detailed site development plan for approval before any change of use or building permits are allowed. Surrounding land uses include apartments, single-family homes, and an institutional use that is zoned S-D/sc (Special Development/special contract).



RELATION OF PROPOSED CHANGE TO THE CITY'S COMPREHENSIVE PLAN

CONSISTENCY WITH PLAN EL PASO	DOES IT COMPLY?
<p><u>G2, Traditional Neighborhood</u></p> <p>This sector includes the remainder of central El Paso as it existed through World War II. Blocks are small and usually have rear alleys; buildings directly faced streets; schools, parks, and small shops are integrated with residential areas. This sector is well-suited for use of the SmartCode as a replacement for current zoning when planned in conjunction with specific neighborhood plans or identified in this Comprehensive Plan.</p>	<p>Yes. The subject property and its neighborhood are consistent with the G2, Traditional Neighborhood Future Land Use Designation. Paved alleys abut the rear property lines. Buildings directly face the street, and are used for varying density of residential development</p>
ZONING DISTRICT	DOES IT COMPLY?
<p><u>S-D (Special Development District)</u></p> <p>The purpose of this district is to provide an opportunity for mixed-use projects, integrated in design, in certain older residential areas where there is a desire to permit a variety of nonresidential uses while maintaining the established residential appearance and landscaping of the area. The regulations of this district are designed to ensure compatibility with existing uses in the district; to permit the production, exhibit or sale of goods and the providing of services to the public in such older residential areas; to protect the traffic capacity of streets serving such older residential areas; to encourage flexibility by prescribing general performance standards for such older residential areas; and to protect the environment of adjacent areas. For the purpose of this district, older areas of the city shall be deemed those areas where development has existed for at least twenty-five years.</p>	<p>Quadruplexes are permitted in the S-D/sc (Special Development/special contract) District, and the district allows for modifications to its setback requirements, which will legalize the existing structure.</p>
POLICY	DOES IT COMPLY?
<p><u>Policy 2.2.2:</u></p> <p>The design of new neighborhoods and additions to existing neighborhoods should strive for a mix of housing types to create neighborhoods that accommodate diverse ages and incomes and allow residents to trade up, downsize, or create multi-generational households without being forced to leave the neighborhood. Housing types include both small and large single-family detached homes, duplexes, townhouses, multi-family buildings, live-work units, and accessory dwelling units, and include both rental quadruplex and units that can be owned by their occupants.</p>	<p>Yes. The proposed quadruplex conversion will allow for additional medium-density housing options within a neighborhood containing single-family homes and quadruplex. This would enable the subject property and its neighborhood to better accommodate potential residents at various ages and stages of life.</p>

SUITABILITY OF SITE FOR USES UNDER CURRENT ZONING: The improvements on the subject property do not meet the dimensional requirements of the C-1/sc (Commercial/special contract) District, which imposes a ten (10) foot rear setback and a ten (10) foot street side setback. The previous use of a single-family home was not permitted in the C-1/sc (Commercial/special contract) District, though the proposed use of a quadruplex is permitted.

SUITABILITY OF SITE FOR USES UNDER PROPOSED ZONING: The Special Development District allows for encroachments into the required ten (10) foot street side and rear yard setbacks upon City Council approval of a detailed site development plan. The proposed use of a quadruplex is permitted in the S-D District

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE: The intent of the Zoning Ordinance is to protect the public health, safety, and general welfare; to regulate the use of land and buildings within zoning districts to ensure compatibility, and to protect property values. The intent of the Special Development District is provide an opportunity for mixed-use projects, integrated in design, in certain older residential areas where there is a desire to permit a variety of nonresidential uses while maintaining the established residential appearance and landscaping of the area. The proposed rezoning would utilize the existing residential building, which is part of the established neighborhood. The subject property allows for all applicable requirements to be met with approval of the waivers requested.

ADEQUACY OF PUBLIC FACILITIES AND SERVICES: No reviewing departments had adverse comments about the rezoning request

EFFECT UPON THE NATURAL ENVIRONMENT: The subject property is not within any arroyos or environmentally sensitive areas, and thus no negative impact is anticipated.

COMMENT FROM THE PUBLIC: The subject property falls within the boundary of the El Paso Central Business Association and the Chivas Town Neighborhood Association. They were contacted as required by 20.04.520. Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on September 20, 2018. The Planning Division has received one in-person inquiry and one phone call inquiring about this case.

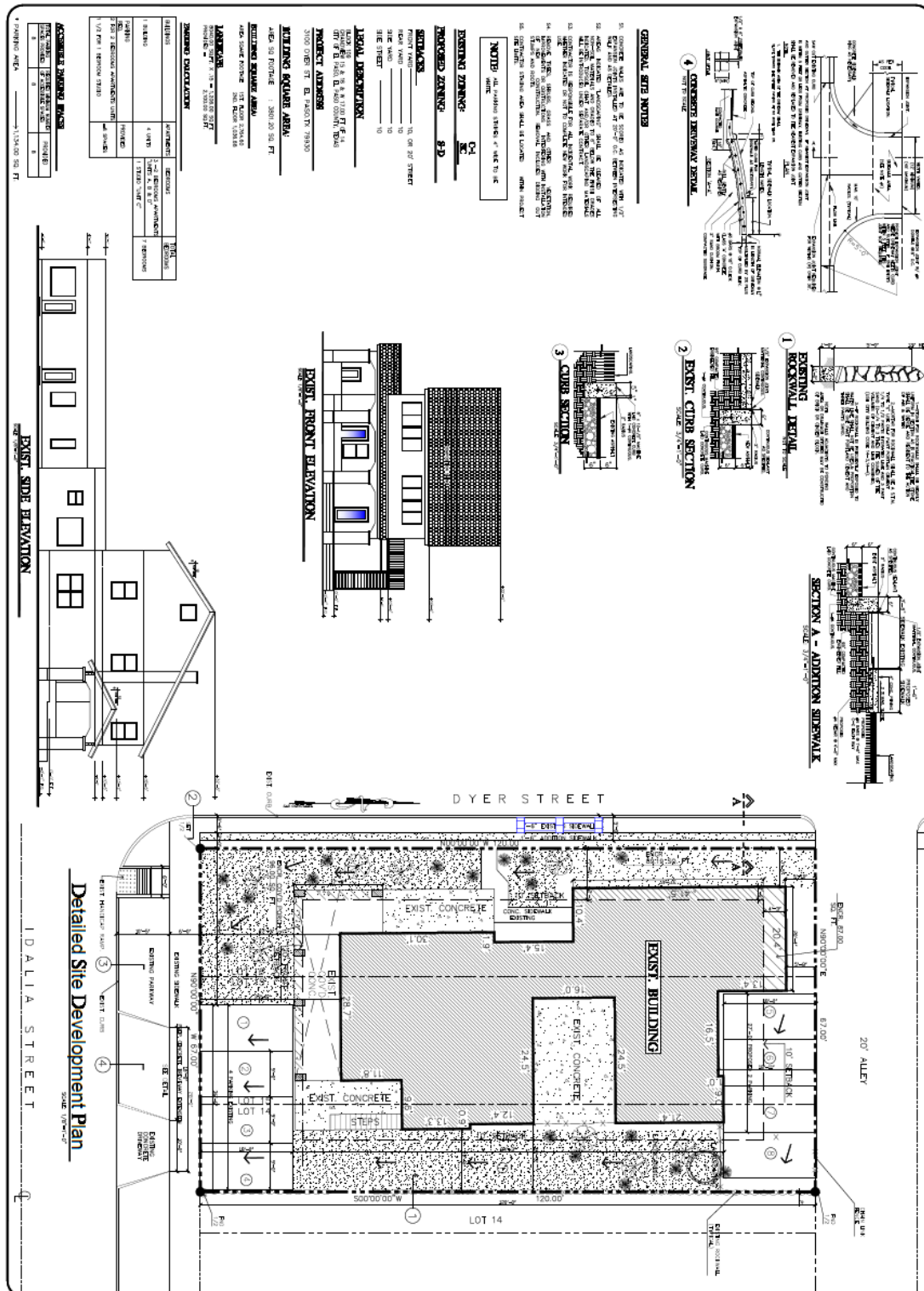
STAFF COMMENTS: No objections to proposed rezoning. No reviewing departments had any negative comments. It is the applicant's responsibility to the terms of their Buildings Standards Commission following approval of this rezoning request, if granted, and coordinate to have all building permits issued within mandated timeframe. The applicant is responsible for obtaining all applicable permits and approvals prior to any construction or change in occupancy.

OTHER APPLICABLE FACTORS: Approval of the site plans by CPC constitutes a determination that the applicant is in compliance with the minimum provisions. Applicant is responsible for the adequacy of such plans, insuring that stormwater is in compliance with ordinances, codes, DSC, and DDM. Failure to comply may require the applicant to seek re-approval of the site plans from CPC.

ATTACHMENTS:

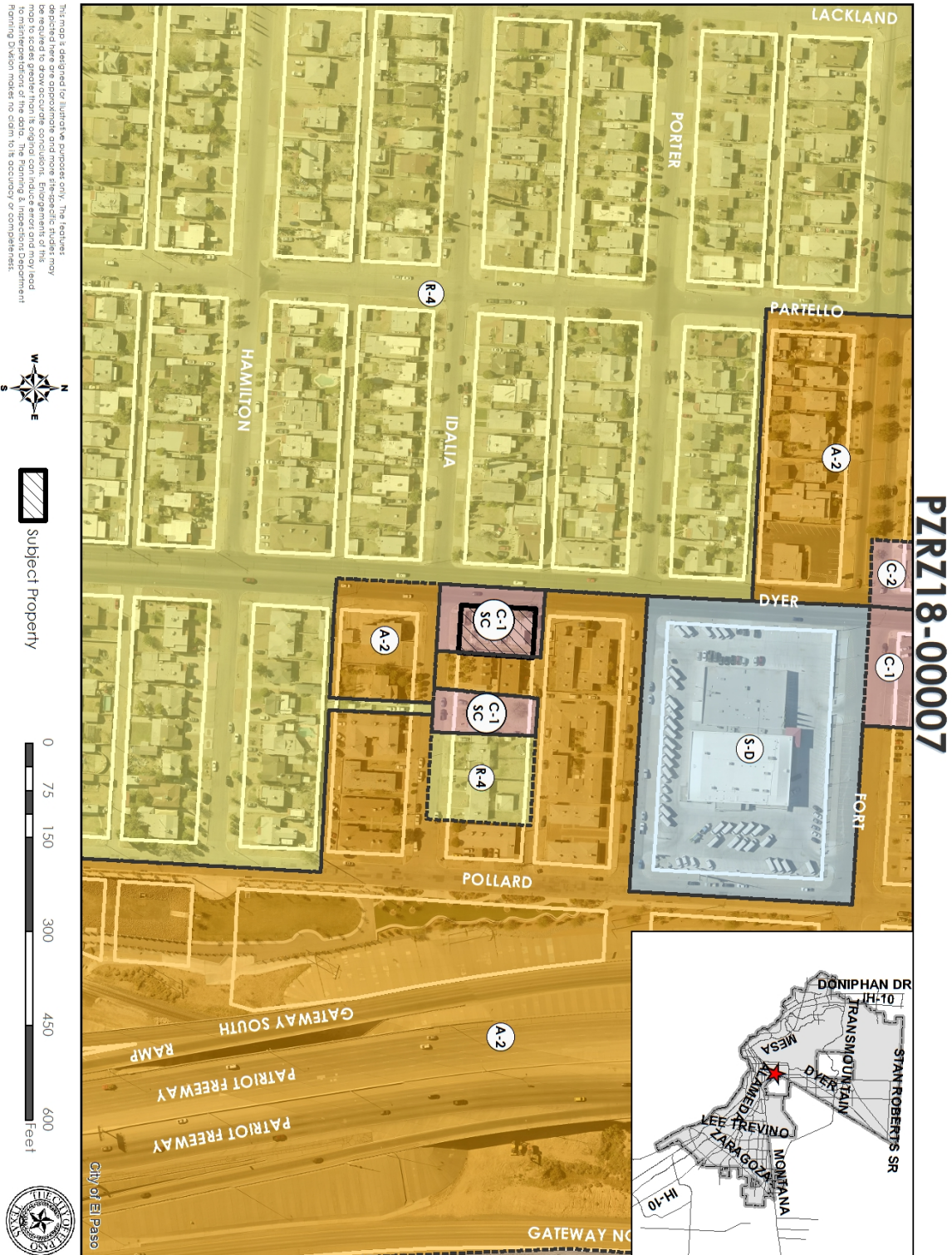
1. Detailed Site Development Plan
2. Zoning Map
3. Future Land Use Map
4. Ordinance
5. Department Comments
6. Neighborhood Notification Boundary Map

Detailed Site Development Plan



ATTACHMENT 2

Zoning Map



Future Land Use Map



ATTACHMENT 4

Special Contract Imposed by Ordinance #6411 and Partial Release

[Will attach to PDF version]

ATTACHMENT 5

Department Comments

Planning and Inspections Department - Planning Division

1. All review comments satisfactorily addressed

Texas Department of Transportation

No comments received.

Planning and Inspections Department – Plan Review & Landscaping Division

Recommend approval

- ~~1. Proposed driveway must be paved.~~

Planning and Inspections Department – Land Development

1. Review comments satisfactorily addressed

Fire Department

Recommend approval

Police Department

No comments received

Sun Metro

No comments received

El Paso Water Utilities

No comments received

EPWU-PSB Comments

No comments received

Sanitary Sewer

No comments received

General

No comments received

Stormwater:

No comments received

ATTACHMENT 6

Owner notification map

